

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

LARRY BLACK,	)	No. ED96841
	)	
Appellant,	)	Appeal from the Labor and
	)	Industrial Relations Commission
vs.	)	
	)	
ST. FRANCOIS CO. AMBULANCE	)	
DISTRICT, and DIVISION OF	)	
EMPLOYMENT SECURITY,	)	
	)	
Respondents.	)	FILED: January 17, 2012

Larry Black ("Black") appeals a decision from the Labor and Industrial Relations Commission ("the Commission") denying Black unemployment benefits.

REVERSED AND REMANDED.

Division One Holds: The record contains evidence that Black received permission to lie down while sick and on the job. When Black awoke near the end of his shift, he followed Employer's policy and completed his paperwork before leaving work, resulting in 18 minutes of overtime. A supervisor watched these events unfold, and then reported Black to the administrator upon Black's departure. The evidence shows that employees usually did not seek permission to accrue overtime. Despite other reprimands in Black's file, unrelated to overtime, we do not find Black exhibited insubordination here. We find no willful, wanton, or deliberate behavior to find Black committed misconduct here in accruing overtime. Accordingly, there is no sufficient evidence to warrant the denial of Black's benefits.

Opinion by: Roy L. Richter, P.J.  
Clifford H. Ahrens, J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Kenneth P. Carp

Attorneys for Respondent: Bart A. Matanic

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